



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,794	02/04/2004	Katsuhiro Wada	B422-255	3353
26272 7590 09/15/2009 COWAN LIEBOWITZ & LATMAN P.C. JOHN J TORRENTE 1133 AVE OF THE AMERICAS NEW YORK, NY 10036				
EXAMINER				
JONES, HEATHER RAE				
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
09/15/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/771,794

Applicant(s)

WADA, KATSUHIRO

Examiner

HEATHER R. JONES

Art Unit

2621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2004 and 08 October 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed June 3, 2009, with respect to the rejection(s) of claim(s) 1-3 and 8 regarding the argument that the moving image data for normal reproduction and moving image data for high-speed reproduction are different have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a newly found prior art reference along with a different interpretation of a previously applied reference.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi (U.S. Patent Application Publication 2002/0044758) in view of Chung et al. (U.S. Patent Application Publication 2005/0078947) in view of Yatomi (U.S. Patent 5,909,421).

Regarding claim 1, Kobayashi discloses a reproducing apparatus comprising: reproducing means for reproducing moving image data for normal reproduction and image data for high-speed reproduction different from the

moving image data for normal reproduction from a recording medium which records thereon moving image data train including the moving image data for normal reproduction which is encoded by using intra- frame coding and inter-frame coding and the image data for high-speed reproduction (Fig. 1; Fig. 2 – normal and high speed reproduction; paragraph [0029] – MPEG-2 standard, which will be further disclosed below using the Chung et al. reference, which includes both intra- and inter-frame coding); an interface for outputs in a form of encoded data the moving image data for normal reproduction and the image data for high-speed reproduction, each of which is reproduced by the reproducing means to an outside of said reproducing apparatus (Fig. 1—digital interface (106)); mode setting means for setting one of a normal reproduction mode in which said reproducing means reproduces the moving image data for normal reproduction and the image data for high-speed reproduction and a high-speed reproduction mode in which said reproducing means reproduces the image data for high-speed reproduction (Fig. 2; paragraph [0052]); and decoding means for selectively decoding one of the moving image data for normal reproduction and the image data for high-speed reproduction, each of which is reproduced by the reproducing means, according to the mode set by said mode setting means, wherein in the normal reproduction mode, said interface multiplexes and outputs in a form of encoded data the moving image data for normal reproduction and the image data for high-speed reproduction and said decoding means decodes the moving image data for normal reproduction (Fig. 2). However, Kobayashi fails to

disclose that in the high-speed reproduction mode, said interface stops outputting the image data for high-speed reproduction and said decoding means decodes the image data for high-speed reproduction.

Furthermore, Kobayashi fails to explicitly disclose that the moving image data for normal and high speed reproduction is different. Kobayashi only discloses that the moving image data is encoded using the MPEG-2 standard. Referring to the Chung et al. reference, Chung et al. discloses moving image data for normal and high speed reproduction in Fig. 11 (the normal reproduction information is represented using the V blocks and the high speed reproduction data is represented using the S block) (paragraph [0061] – the DSI packet also discloses search information). Furthermore, Kobayashi further discloses Fig. 11 is encoded using the MPEG standard that include entry point maps that are referenced for time searching. Therefore, as can be seen from Fig. 11 the information for normal and high speed reproduction is different, which in turn would require the interface to multiplex the signal when outputting it in the Kobayashi reference. However, Kobayashi in view of Chung et al. still fails to disclose that in the high-speed reproduction mode, said interface stops outputting the image data for high-speed reproduction and said decoding means decodes the image data for high-speed reproduction.

Referring to the Yatomi reference, Yatomi discloses a reproducing apparatus wherein in the normal reproduction mode, said interface multiplexes and outputs in a form of encoded data the moving image data for normal

reproduction and the image data for high-speed reproduction and said decoding means decodes the moving image data for normal reproduction, and wherein in the high-speed reproduction mode, said interface stops outputting the image data for high-speed reproduction and said decoding means decodes the image data for high-speed reproduction (Fig. 5; col. 8, line 44 - col. 9, line 22 - in step S503 the apparatus is set to normal reproduction mode wherein the signal is being reproduced and the output for dubbing at the same time. Then when the apparatus encounters a skip flag in step S505 the apparatus stops outputting the signal to be dubbed and the apparatus skips to the next starting point all while still being reproduced. Then once the next starting point is found the apparatus goes back to normal mode where it outputs the signal to be dubbed as well as reproducing the signal. The apparatus stops reproducing the signal once the end of the dubbing session has ended, which is when the end point has been encountered (col. 9, lines 19-21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have searched in high speed reproduction for the next starting point of the dubbing process as disclosed by Yatomi in the apparatus disclosed by Kobayashi in order to more precisely record the program for the right amount of time. Furthermore, when Yatomi is combined with Kobayashi and the user is searching for the starting point of the dubbing one would want to view the program data on the display thereby not needing the interface to output the program data, but the program data would need to follow

the path to the display by going through the decoder first, thereby meeting the claimed limitation that in the high-speed reproduction mode, said interface stops outputting the image data for high-speed reproduction and said decoding means decodes the image data for high-speed reproduction.

4. Claims 2, 3, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi in view of Chung et al. in view of Yatomi as applied to claim 1 above, and further in view of Lane et al. (U.S. Patent 5,377,051).

Regarding claim 2, Kobayashi in view of Chung et al. in view of Yatomi discloses all the limitations as previously discussed with respect to claim 1, but fails to explicitly disclose that the interface converts the moving image data for normal reproduction and the image data for high-speed reproduction into a plurality of packets having a data size of a predetermined amount respectively, and the interface multiplexes and outputs the plurality of packets.

Referring to the Lane et al. reference, Lane et al. discloses an apparatus wherein the interface converts the moving image data for normal reproduction and the image data for high-speed reproduction into a plurality of packets having a data size of a predetermined amount respectively, and the interface multiplexes and outputs the plurality of packets (Fig. 11; col. 53, lines 35-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have converted the moving image data into the right format as disclosed by Lane et al. in the apparatus disclosed by

Kobayashi in view of Chung et al. in view of Yatomi in order to correctly record the data in the right format in the other apparatus.

Regarding claim 3, Kobayashi in view of Chung et al. in view of Yatomi in view of Lane et al. discloses all the limitations as previously discussed with respect to claims 1 and 2 including that each of the plurality of packets includes ID data, and the interface allocates predetermined values different from each other to the ID data of the packet of the moving image data for normal reproduction and the ID data of the packet of the image data for high-speed reproduction (Lane et al.: Fig. 11; col. 53, lines 35-62).

Regarding claim 8, Kobayashi in view of Chung et al. in view of Yatomi discloses all the limitations as previously discussed with respect to claim 1, but fails to disclose that the image data for high-speed reproduction includes only image data of a frame encoded by the intra-frame coding among the moving image data for normal reproduction.

Referring to the Lane et al. reference, Lane et al. discloses an apparatus wherein the image data for high-speed reproduction includes only image data of a frame encoded by the intra-frame coding among the moving image data for normal reproduction (col. 28, lines 37-44).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have only reproduced the intra-frames during high-speed reproduction as disclosed by Lane et al. in the apparatus disclosed by Kobayashi in view of Chung et al. in view of Yatomi in order to allow the

decoder to display the frames at a faster pace during high-speed reproduction since I-frames are stand-alone frames and do not need any information from the other frames to be displayed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEATHER R. JONES whose telephone number is (571)272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones

Application/Control Number: 10/771,794
Art Unit: 2621

Page 9

Examiner
Art Unit 2621

HRJ
September 10, 2009

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621